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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,363	04/25/2001	Ahmad Ansari	7780/13 (T00341)	6562
7590 Brinks Hofer Golson & Lione P O Box 10395 Chicago, IL 60610			EXAMINER RAMAN, USHA	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 05/31/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/842,363		ANSARI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Usha Raman		2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 11 and 21 have been considered but they are not persuasive. Applicant's arguments stating that, "Tillman is directed to a method...for streaming digital media" and therefore, does not meet the limitation of "downloaded to the user" have been noted. However the examiner respectfully disagrees. Examiner notes that while the word "download" is a broad term encompassing various types of download, "streaming" is a specific type of download. Microsoft Computer Dictionary, 3<sup>rd</sup> edition further defines download as, "transfer a copy of a file from one remote computer to the requesting computer by means of a modem or a network". Microsoft Computer Dictionary 4<sup>th</sup> edition defines streaming as "the process of delivering information especially multimedia sound or video in a steady flow that the recipient can access as the file is being transmitted". Accordingly it is noted that streaming is a specific instance of download, i.e. all streaming data are downloading, however not all downloading is streaming. Tillman therefore teaches the transfer at least a portion of the base quality from a server to a subscriber terminal for storage and therefore teaches the step downloading the base quality portion (see column 10, lines 19-25). As a result, the rejection is maintained, *using Tillman*.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

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applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-4, 6-13, 15-19 and 21-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Tillman et al. US Pat. (6,496,980).

With regards to claim 1, 11 and 21, Tillman discloses a system and a method of streaming (and therefore downloading) a video content representing a program to a subscriber terminal comprising:

Decomposing video content (encoding layered streams) into a plurality of video quality portions (see column 5, lines 14-17), a low quality video portion of the plurality of video quality portions comprising the program a complete copy ("at least a portion" of the base layer and therefore the complete copy of the portion, see abstract) of the program at a video quality lower than (base layer lower than enhanced layer) at least one of the plurality of video quality portions (see abstract).

Downloading a complete copy of low quality video portion (downloading and storing the "at least a portion" of base layer and therefore a complete copy of the portion, see column 10 lines 19-25) to the subscriber terminal via a DSL (see column 3, lines 58-64) for storage locally at the subscriber terminal (see column 7, lines 35-38);

Receiving from the subscriber terminal a selection request (replay request) for program corresponding to the video content after downloading the at least a portion (therefore the complete copy of the portion) of low quality video portion (see column 8, lines 46-50);

Downloading at least a one of plurality of video quality portions having a video quality higher than a low quality video portion to the subscriber terminal via the digital subscriber line (see column 6, lines 14-17) in response to the selection request (see column 7, lines 39-45).

With further regards to claim 11, the system comprises a video repository for storing a plurality of higher quality parts of decomposed videos (see Tillman: column 4, lines 9-12, lines 17-27).

With regards to claim 3, the system further comprises video content. See Tillman: abstract.

With regards to claims 4, and 13, the system further comprises the step of compressing the video content using a transform based compression technique (H.263+ and MPEG-2). See Tillman: column 5, lines 14-17.

With regards to claims 6, and 15, the system further comprises the step of downloading one of plurality of video quality portions having a quality higher than the low quality video portion to the subscriber in real time. See Tillman: column 3, lines 22-27 and column 7, lines 39-45.

With regards to claims 7, and 16, each of the video quality portions represents a different level of service quality in the system. See Tillman: column 5, lines 64-67.

With regards to claims 8, 17, 23 and 24, the system further comprises the step of determining a transmission bandwidth available and selecting one of video

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quality portions having a quality higher than the low quality video portion based on the download bandwidth (see Tillman: column 4, lines 59-column 5, line 3).

With regards to claims 9, and 22, the system comprises the step of organizing video quality portions in a pyramidal scheme such that each successive enhancement layer provides an incremental quality benefit. See Tillman: column 6, lines 60-64.

With regards to claim 10, the system comprises the step of recomposing a plurality of downloaded video quality portions representing the program at subscriber terminal for presenting the content to the user. See Tillman: column 5, lines 64-66 and column 7, lines 42-48.

With regards to claim 12, the system further comprises asymmetrical bandwidth for the communication path. See Tillman: column 4, lines 7-8.

With regards to claim 18, see claim 1. With further regards to claim 18, the system further discloses a set top box (see Tillman: column 3, line 51), comprising:

A memory (client cache 50) for locally storing the low quality video portions of the compressed content files representing programs (see Tillman: column 42-45)

A user interface for allowing a user to select one of the compressed content files for viewing after storing the low quality video portion (see Tillman: column 4, lines 31-36)

A network interface (see Tillman: column 3, lines 62-65) for causing a remote content repository (signal source, Tillman: column 4, lines 9-12) to download a

remotely stored portion of the over a DSL network in response to the user selection  
(see Tillman: column 7, lines 39-45);

A re-composition device for recombining the locally stored and remotely  
stored portions of the content file (see Tillman: column 10, lines 64-66); and

A display interface for transferring the recombined content file to a display unit  
(see Tillman: column 4, lines 49-50, and column 10, lines 66-67).

With regards to claim 19, the set top box further comprises a decoder for  
decompressing the recombined compressed content file (see Tillman: column 5,  
lines 30-35).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all  
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over  
Tillman et al. US Pat. (6,496,980) in view of Payton (US Pat. 5,790,935)

With regard to claims 5, 14 and 20 the system of Tillman does not comprise  
the step of downloading the base layer video to the subscriber during off peak hours.

Payton discloses the step of downloading a program to the subscriber  
terminal during off peak hours in order to offload the system's peak bandwidth  
requirement to the subscriber. See abstract.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system in view of Payton by downloading the base quality video during off peak hours, thereby offloading peak bandwidth and reducing bandwidth during peak hours.

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The




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fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

UR

  
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PRIMARY PATENT EXAMINER